

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 3:18-CV-00232

BALFOUR BEATTY )  
CONSTRUCTION, LLC, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FCCI INSURANCE COMPANY, )  
 )  
Defendant. )

**NOTICE OF REMOVAL  
(DIVERSITY OF CITIZENSHIP)  
28 U.S.C. § 1446(a)**

The Defendant, FCCI Insurance Company, by and through its attorneys, hereby gives notice pursuant to 28 U.S.C. §§ 1441, 1446, and 1367 that it has removed the action entitled *Balfour Beatty Construction, LLC v. FCCI Insurance Company*, in the General Court of Justice, Superior Court Division in and for Mecklenburg County, North Carolina, File No. 18 CvS 6719 (the “State Court Action”), to the United States District Court for the Western District of North Carolina. A copy of this Notice of Removal is being filed with the Clerk of the General Court of Justice, Superior Court Division in and for Mecklenburg County, North Carolina, in order to effect removal pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(d), the State Court Action shall proceed no further unless and until this case is remanded.

**Grounds for Removal**

1. This action was filed in the General Court of Justice, Superior Court Division in and for Mecklenburg County, North Carolina, on April 2, 2018.

2. The Complaint was served on Defendant FCCI Insurance Company, at the earliest, via certified mail on April 6, 2018. This Notice of Removal is being filed within 30 days of the date that the Complaint was received by Defendant FCCI Insurance Company. 28 U.S.C. §§ 1446(b).

3. This case is removable under 28 U.S.C. § 1332 (“Diversity of Citizenship”) because Defendant FCCI Insurance Company is a citizen of a different state than Plaintiff Balfour Beatty Construction, LLC, and because the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* Compl. ¶¶ 6, 7, 16–17, 30, 41–42, 53, and 59.

4. Plaintiff Balfour Beatty Construction, LLC is a limited liability corporation organized and existing under the laws of the State of Delaware with its principal place of business in Dallas, Texas. Compl. ¶ 6.

5. Defendant FCCI Insurance Company is a corporation organized and existing under the laws of the State of Florida, with its principal place of business in Sarasota, Florida. Compl. ¶ 7.

6. The Complaint asserts claims for Breach of Contract, Statutory Bad Faith under N.C.G.S. § 58-63-15(11) and N.C.G.S. § 75-1.1 *et seq.*, Bad Faith, and Punitive damages, and seeks damages in excess of \$75,000.

7. Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of all process, pleadings, orders, and other papers or exhibits of every kind currently on file in the State Court Action are attached to this Notice as **Exhibit A**.

8. Copies of this Notice are being provided to all adverse parties and a copy hereof is being filed with the Clerk of Superior Court for Mecklenburg County, North Carolina, all in accordance with the provisions of 28 U.S.C. §1446(d).

WHEREFORE, Defendant FCCI Insurance Company requests that the State Court Action be removed to the United States District Court for the Western District of North Carolina.

This the 4<sup>th</sup> day of May, 2018.

GOLDBERG SEGALLA LLP

/s/ David L. Brown

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*Attorneys for Defendant  
FCCI Insurance Company*

## **CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the foregoing Notice of Removal was served upon all counsel of record via first class mail, postage prepaid, addressed as follows:

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This the 4<sup>th</sup> day of May, 2018.

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